

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL HACKLEY, et al.	:	
Plaintiffs,	:	
vs.	:	JFM 02 CV 3363
LVL X, INC., et al.	:	
Defendants.	:	

DEFENDANTS' MOTION FOR LEAVE TO FILE
DEFENDANTS' CROSS MOTION FOR SUMMARY JUDGMENT

Defendants LVL X, Inc., John Lee, and Jeffrey Way motion for leave to file their cross motion for summary judgment against plaintiffs under Rule 56 of the Federal Rules of Civil Procedure, and their opposition to plaintiffs' summary judgment motion, stating that:

Local Rule 105 requires a cross motions for summary judgment to be filed as part of the opposition to the other party's motion for summary judgment. The docket says that the due date is 08-01-2003 (docket entry number 68). However, pursuant to the scheduling order, all dispositive motions are to be filed by 07-28-2003. If needed, defendants seek leave to file their cross motion for summary judgment along with their PDF exhibits on 07-29-2003, which falls three days before the opposition due date and one day after the 07-29-2003 date.

Defendants oppose plaintiffs' motion for summary judgment and also move for cross motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure, and Local Rule 105, in that there is no genuine issue as to any material fact and that defendants are entitled to a judgment as a matter of law. Defendants hereby incorporate herein by reference, as if fully stated herein, their memorandum of points and authorities and exhibits in support of their cross motion for summary judgment (and opposition to plaintiffs' motion for summary judgment) that was filed on 07-29-03 and docketed as number "80", as corrected. **A corrected copy of their memorandum is attached to this motion with the same exhibits.**

WHEREFORE, defendants respectfully request leave to file for summary judgment and for the Court to grant defendants' motion for summary judgment.

Respectfully submitted,

_____/s/_____
Christopher M. Johns, Esq.
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Bar No.: 15677

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 07-30-03, I caused a copy of the foregoing paper to be served to: Deborah Westervelt, 10 North Calvert Street, Suite 153, Baltimore, MD 21202 and Terrence McShane, 1211 Connecticut Avenue, N.W., Suite 425, Washington, D.C. 20036.

_____/s/_____
Christopher M. Johns